

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. David Sam

COURT REPORTER: Laura Robinson

COURTROOM DEPUTY: Mary Jane McNamee

INTERPRETER: None

CASE NO. 2:00-CR-00324 DS

USA v. Welch et al.

Approved By: _____

APPEARANCE OF COUNSEL

Pla Richard Wiedis, John Scott, Jeanne Coles

Dft William Taylor, Blair Brown, Amit Mehta - dft Welch

Dft Max Wheeler, Camille Johnson, Sam Harkness, Robert Shelby - dft Johnson

DATE: 10/28/2003

MATTER SET: Jury Trial

1. Brandon Oyler	2. Alan Smith	3. James Gunderson	4. Jonathan Kilgore
5. Michael Wallgren	6. Melodee Clegg	7. Necia Odunze	8. Dale O. Larson
9. Kristen Everett	10. Ruby Jardine	11. Robert R. Swenson	12. Matthew Schalter
Alt 1. Mark A. Coombs		Alt 2. Sandra R. Neel	

DOCKET ENTRY:

8:50 a.m. 83 potential jurors are seated. The Court conducts voir dire. The Court inquires of any relationships between potential jurors. Relationships are defined. The Court admonishes the jury about talking with the media. A schedule is given to the jury panel. Following their interviews, jurors 1-10 are excused until 12:00 noon, tomorrow. Jurors 50 -83 are excused , to report tomorrow at 12:00 noon, tomorrow. Jurors 26-49 are to report at 8:30 a.m., tomorrow. The Court inquires of any relationships between potential jurors. Relationships are defined. The Court admonishes the jury about talking with the media. Jury interviews continue.

(Laura Robinson, court reporter)

10/29/2003

8:30 a.m. Juror interviews continue **(Laura Robinson/Dawn Brunner-Hahn, court reporters)**

10/30/2003

8:30 a.m Juror interviews continue. At 12:10 p.m. cnsl reassemble in the courtroom and a jury is selected. Jurors are sworn and given preliminary instructions. At 1:36 pm jurors are excused and will return tomorrow at 8:30 a.m. **(Patti Walker/Ed Young)**

10/31/2003

8:30 a.m. Jurors are seated and cnsl give opening statements. Jurors are excused at 12:37 p.m. and admonished not to speak to anyone about the case. Jurors shall return at 8:30 a.m on Monday, November 3, 2003. **(Patti Walker/Becky Janke)**

11/03/2003

The Court meets with cnsl, out of the presence of the jury. At 8:50 a.m jurors are seated. Pla's call their first witness. The Court will decide which days to be off during Veteran's Day Holiday, later in the week. The jury is seated and testimony resumes. Jury excused at 1:38 p.m. and to return at 8:30 a.m. **(Ed Young/Becky Janke/Kelly Hicken, court reporters)**

11/04/2003

The Court meets with cnsl, out of the presence of the jury. At 8:36 a.m jurors are seated. Witness Pate continues testimony. Witness Pate's testimony is concluded. At 1:07 p.m. the jury is excused and to return tomorrow at 8:30 a.m. The Court hears matters out of the presence of the jury. Court resumes at 1:22 p.m. Mr. Paul Newey is sworn and gives testimony. Testimony is concluded. **(Ed Young/Becky Janke/Kelly Hicken, court reporters)**

11/05/2003

The Court meets with cnsl, out of the presence of the jury. The Court finds Govt's exhibits 4 and 5 are inadmissible. The jury is seated at 8:35 a.m. The Court informs the jury that Court will not be in session on Monday, November 10, 2003, with Tuesday, November 11, 2003 being a federal holiday. Mr. Rodney Ray Hamson is sworn and takes the witness stand. The jury is excused at 1:35 p.m. to return tomorrow at 8:30 a.m. **(Ed Young/Becky Janke/Kelly Hicken, court reporters)**

11/06/2003

The Court meets with cnsl, out of the presence of the jury. The jury is seated at 8:35 a.m. Mr. Rodney Ray Hamson resumes the witness stand. Testimony heard and exhibits received. Out of the presence of the jury, objection is heard. Court resumes at 12:20 p.m. Mr. Hamson resumes the witness stand. The jury is excused at 1:40 p.m. to return tomorrow at 8:30 a.m. **(Ed Young/Kelly Hicken, court reporters)**

11/07/2003

The Court meets with cnsl, out of the presence of the jury. The jury is seated at 8:35 a.m. Mr. Rodney Ray Hamson resumes the witness stand. Testimony heard and exhibits received. Following the noon break, cnsl meet with the Court, out of the presence of the jury. **(Laura Robinson/Ed Young/Becky Janke, court reporters)**

11/12/2003

Court resumes session at 8:36 a.m. The jury is seated. Testimony heard and exhibits received. Jury is excused at 1:30 p.m. and instructed to return tomorrow at 8:30 a.m. **(Ed Young, court reporter)**

11/13/2003

Jurors are present and seated. The Court explains that trial will not be held today. Jurors are excused until tomorrow morning at 8:30 a.m. **(Ed Young, court reporter)**

11/14/2003

Court resumes session at 8:36 a.m. The jury is seated. Mr. Hamson takes the witness stand and invokes his 5th amendment right to not answer the question by Mr. Max Wheeler. The jury is excused to the jury room. The Court inquires of the USA for the dept of justice to move forward and grant immunity to Mr. Hamson, and to continue trial. Orders are given to the Court. Cnsl are given a moment to review the order re: immunity. The Court also questions cnsl as to the State prosecutions re: immunity at the State level. Mr. Killpack indicates with discussing the matter with Mr. Yokum, the witness will continue with his testimony. The Court grants the motion for immunity, allowing the testimony to proceed. The jury is seated and is given an explanation re: the immunity of the witness. Testimony resumes. The jury is excused at 1:30 and will return Monday at 8:30 a.m. **(Becky Janke, Ed Young, Patti Walker court reporters)**

11/17/2003

Court resumes session at 8:45 a.m. The jury is seated. Mr. Hamson takes the witness stand and resumes testimony. Mr. Hamson's testimony concludes. Mr. David Ellison Simmons is sworn and takes the witness stand. Testimony heard and exhibits received. The jury is excused at 1:30 p.m. and to return at 8:30 a.m. tomorrow. **(Patti Walker, Laura Robinson, Becky Janke court reporters)**

11/18/2003

Court resumes session at 8:35 a.m. The jury is seated. Mr. Simmons takes the witness stand and resumes testimony. Mr. Simmons's testimony concludes. The jury is informed that a death has occurred in cnsls' family, therefore trial will not be held on Thursday and Friday. Trial will resume on Monday, November 24th. The jury is excused at 1:15 p.m. to return tomorrow at 8:30 a.m. **(Ed Young, Patti Walker, Kelly Hicken court reporters)**

11/19/2003

Court resumes session at 8:35 a.m. The jury is seated. Mr. Jay Anderson takes the witness stand and gives testimony. The jury is excused at 1:30 to return Monday, November 24th at 8:30 a.m. The Court reminds the jury of the admonitions. **(Ed Young, Patti Walker, Kelly Hicken court reporters)**

11/24/2003

Court resumes session at 8:35 a.m. The jury is seated. Mr. Alfredo LaMont takes the witness stand and gives testimony. The jury is excused at 1:30 to return tomorrow at 8:30 a.m. **(Ed Young, Kelly Hicken, Laura Robinson court reporters)**

11/25/2003

Court resumes session at 8:35 a.m. The jury is seated. Mr. Alfredo LaMont takes the witness stand and gives testimony. Testimony heard and exhibits received. The jury is excused at 1:30 to return Monday, December 1 at 8:30 a.m. **(Ed Young, Becky Janke, Laura Robinson court reporters)**

12/1/2003

Court resumes session at 8:35 a.m. The jury is seated. Mr. Spencer Fox Eccles takes the witness stand and gives testimony. Testimony heard and exhibits received. Cross-examination. The jury is excused at 1:30 PM to return Tuesday, December 2, at 8:30 a.m. **(Ed Young, Becky Janke, Kelly Hicken court reporters) Courtroom Deputy: Mike Weiler**

12/02/2003

Court resumes session at 8:35 a.m. The jury is seated. Testimony heard and exhibits received. The jury is excused at 1:30 PM to return tomorrow at 8:30 a.m. **(Ed Young, Kelly Hicken, Becky Janke court reporters)**

12/03/2003

Court resumes session at 8:35 a.m. The jury is seated. Testimony heard and exhibits received. The jury is excused at 1:30 PM to return tomorrow at 8:30 a.m. **(Ed Young, Becky Janke, Kelly Hicken - court reporters)**

12/04/2003

Court resumes session at 8:35 a.m. The jury is seated. Testimony heard and exhibits received. The jury is excused at 11:00 a.m to return tomorrow at 8:30 a.m. Out of the presence of the jury, defendants argue their motions for judgment of acquittal and motion to dismiss. The Court takes the matter under advisement. **(Ed Young, Patti Walker, Kelly Hicken, Court Reporters)**

12/05/2003

Court resumes session at 8:44 a.m. The Court grants dfts' motions for judgment of acquittal. The Court thanks and excuses the jurors. (**Patti Walker, court reporter**)